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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
HA, LEYNNA A	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,384	YAMAGUCHI, SHINGO	
	Examiner	Art Unit	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-40 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-40 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 1-40 have been examined.**

2. **Claims 1-2, 4, 6-22, 24, and 26-40 are rejected under 35 U.S.C. 102(e).**

 Claims 3, 5, 23, and 25 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4, 6-22, 24, and 26-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothermal, et al. (US 6,678,827).

As per claim 1:

Rothermal, et al. discusses a method of controlling a network, comprising the steps of:

establishing a computer network connection between a computer **[COL.3, lines 24-31]** and an intermediate device which has network resources connected thereto; **[COL.5, lines 29-32]**

determining a level of security of the computer network connection; and **[COL.6, lines 21- 32 and COL.13, lines 3-7]**

controlling a level of access of the computer to the network resources using the level of security of the computer network connection which has been determined. **[COL.4, lines 50-55 and COL.6, lines 33-49]**

As per claim 2:

See COL.11, lines 33-35 and COL.13, lines 37-38; discusses establishing a wireless computer network connection.

As per claim 4:

See COL.14, lines 26-30 and COL.17, lines 34-38; discusses determining whether the computer network connection is encrypted.

As per claim 6:

See COL.11, lines 22-44; discusses allowing the computer to access a file server which is one of the network resources, only when the step of determining the level of security determines that the computer network connection is encrypted.

As per claim 7:

See COL.15, lines 55-56 and COL.19, lines 37-39; discusses allowing the computer to access the Internet which is one of the network resources, regardless of whether the computer network connection is encrypted.

As per claim 8:

See COL.16, lines 56-59 and COL.18, lines 1-2; discusses allowing the computer to access an email server which is one of the network resources, regardless of whether the computer network connection is encrypted.

As per claim 9:

See COL.16, lines 56-59 and COL.17, lines 54-57; discusses allowing the computer to access an email server which is one of the network resources, only when the computer network connection is encrypted.

As per claim 10:

See COL.4, lines 46-48 and COL.5, lines 29-38; discusses the step of determining is performed by the intermediate device, and the step of controlling is performed by the intermediate device.

As per claim 11:

See COL.11, lines 35-37; discusses the step of determining is performed by the intermediate device which is a router.

As per claim 12:

See COL.1, lines 26-27 and COL.13, lines 50-54; discusses the step of controlling is performed by the intermediate device which is a router having a firewall operation.

As per claim 13:

See COL.11, lines 35-37; discusses the step of establishing is performed using the intermediate device which is a router which establishes a wireless connection to the

computer.

As per claim 14:

See COL.23, lines 7-12; discusses the step of determining is performed by a server running a network operating system, the server being different from the intermediate device, and the step of controlling is performed by the server running the network operating system.

As per claim 15:

See COL.21, line 47 - COL.22, line 7; discusses the step of determining is performed by the server which is running a network directory service.

As per claim 16:

See COL.11, lines 35-37; discusses the step of establishing is performed by a bridge connected to the computer through the computer network connection.

As per claim 17:

See COL.11, lines 35-37; discusses the step of establishing is performed by the bridge connected to the computer through the computer network connection which is a wireless network connection.

As per claim 18:

See COL.1, lines 26-27 and COL.13, lines 50-54; discusses the level of access by a stand-alone firewall device which is connected between the intermediate device and the network resources.

As per claim 19:

See COL.13, lines 3-7; discusses determining the level of security using the intermediate device.

As per claim 20:

See COL.11, lines 33-35 and COL.13, line 37discusses establishing the computer network connection as a wireless connection using the intermediate device.

As per claim 21:

Rothermal,discloses a system for controlling a network, comprising:

means for establishing a computer network connection between a computer **[COL.3, lines 24-31]**and an intermediate device which has network resources connected thereto; **[COL.5, lines 29-32]**

means for determining a level of security of the computer network connection; and [**COL.6, lines 21- 32 and COL.13, lines 3-7]**

means for controlling a level of access of the computer to the network resources using the level of security of the computer network connection which has been determined. **[COL.4, lines 50-55 and COL.6, lines 33-49]**

As per claim 22:

See COL.11, lines 33-35 and COL.13, line 37; discusses means for establishing a wireless computer network connection.

As per claim 24:

See COL.14, lines 26-30 and COL.17, lines 34-38; discusses means for determining whether the computer network connection is encrypted.

As per claim 26:

See COL.11, lines 22-44; discussing means for allowing the computer to access a file server which is one of the network resources, only when the means for determining the level of security determines that the computer network connection is encrypted.

As per claim 27:

See COL.15, lines 55-56 and COL.19, lines 37-39; discusses means for allowing the computer to access the Internet which is one of the network resources, regardless of whether the computer network connection is encrypted.

As per claim 28:

See COL.16, lines 56-59 and COL.18, lines 1-2; discusses means for allowing the computer to access an email server which is one of the network resources, regardless of whether the computer network connection is encrypted.

As per claim 29:

See COL.16, lines 56-59 and COL.17, lines 54-57; discusses means for allowing the computer to access an email server which is one of the network resources, only when the computer network connection is encrypted.

As per claim 30:

See COL.4, lines 46-48 and COL.5, lines 29-38; discusses the means for determining is the intermediate device, and the means for controlling is the intermediate device.

As per claim 31:

See COL.11, lines 35-37; discusses the means for determining is the intermediate device which is a router.

As per claim 32:

See COL.1, lines 26-27 and COL.13, lines 50-54; discusses the means for controlling is the intermediate device which is a router having a firewall operation.

As per claim 33:

See COL.11, lines 35-37; discusses the means for establishing is the intermediate device which is a router which establishes a wireless connection to the computer.

As per claim 34:

See COL.23, lines 7-12; discusses the means for determining is a server running a network operating system, the server being different from the intermediate device, and the means for controlling is the server running the network operating system.

As per claim 35:

See COL.21, line 47 - COL.22, line 7; discusses the means for determining is the server which is running a network directory service.

As per claim 36:

See COL.11, lines 35-37; discusses the means for establishing is a bridge connected to the computer through the computer network connection.

As per claim 37:

See COL.11, lines 35-37; discusses the means for establishing is the bridge connected to the computer through the computer network connection which is a wireless network connection.

As per claim 38:

See COL.1, lines 26-27 and COL.13, lines 50-54; discusses a stand-alone firewall device which is connected between the intermediate device and the network resources.

As per claim 39:

See COL.13, lines 3-7; discusses means for determining the level of security using the intermediate device.

As per claim 40:

See COL.11, lines 33-35 and COL.13, line 37; discusses means for establishing the computer network connection as a wireless connection using the intermediate device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 5, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothermal, et al. (US 6,678,827) and further in view of Official Notice.

As per claim 3:

Rothermal discusses establishing a wireless computer network connection wherein the wireless network can be Virtual Private Network or communicating via email or pager **[COL.11, lines 33-35 and COL.13, lines 37-38]**. However, Rothermal fails to explicitly include the IEEE 802.11b standard.

It is known in the art at the time of the invention, an IEEE 802.11b standard applies to wireless connection to enable portable devices such as cellular phones or laptops can communicate both with each other.

As per claim 5:

Rothermal discusses means for determining whether the computer network connection is encrypted **[COL.14, lines 26-30 and COL.17, lines 34-38]**. However, Rothermal fails to explicitly include the Wired Equivalent Privacy ("WEP") encryption method.

It is known in the art at the time of the invention that Wired Equivalent Privacy ("WEP") encryption is used in a IEEE 802.11b standard environment because WEP encryption ensures that data is not transmitted in the clear over the wireless network that WEP enables encryption between the client and the wireless access point.

As per claim 23:

Rothermal discusses establishing a wireless computer network connection wherein the wireless network can be Virtual Private Network or communicating via email or pager **[COL.11, lines 33-35 and COL.13, lines 37-38]**. However, Rothermal fails to explicitly include the IEEE 802.11b standard.

It is known in the art at the time of the invention, an IEEE 802.11b standard applies to wireless connection to enable portable devices such as cellular phones or laptops can communicate both with each other.

As per claim 25:

Rothermal discusses means for determining whether the computer network connection is encrypted **[COL.14, lines 26-30 and COL.17, lines 34-38]**. However, Rothermal fails to explicitly include the Wired Equivalent Privacy ("WEP") encryption method.

It is known in the art at the time of the invention that Wired Equivalent Privacy ("WEP") encryption is used in a IEEE 802.11b standard environment because WEP encryption ensures that data is not transmitted in the clear over the wireless network that WEP enables encryption between the client and the wireless access point.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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